

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff ,)	
)	
vs.)	No. 08-03126-01-CR-S-GAF
)	
JERRY Q. DAVIS,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Defendant was committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241 (d)(1) (Doc. 35). The evaluation period was extended for an additional 60 days (Doc. 53). Thereafter, a psychiatric report was filed (Doc.54). A hearing was held, at which the defendant was present with counsel. The psychiatric report was the only evidence presented. The conclusion was that the defendant is not presently competent to stand trial or to assist in his own defense. It is noted that he has been treated with antipsychotic medication for eight months. Although some improvements were noted, he remains not competent to proceed. Because the defendant continues to suffer from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist property in his defense, and that there is not a substantial probability that his competency will be restored in the foreseeable future, it is

RECOMMENDED that the defendant be recommitted to the custody of the Attorney General for the purpose of a risk assessment and possible proceedings under 18 U.S.C. §4246. ¹

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: November 25, 2009

¹ All parties have waived the 10-day waiting period.